**REMARKS**

Entry of the foregoing amendments, reconsideration and reexamination of the subject application, as amended, pursuant to and consistent with 37 C.F.R. §1.116, and in light of the remarks which follow, are respectfully requested.

The above amendment deletes the text introduced in the previous amendment at page 8, lines 20, in favor of equivalent terminology suggested by the Examiner. Also, a copy of a §132 Declaration, submitted in parent application Serial No. 08/149,099, on May 16, 1997, is also provided. As discussed *infra*, this Declaration provides information relating to the inventive contribution of William Rastetter and John Leonard to the subject invention. Based on the following, it is believed that this amendment, together with the Declaration, should place this case in condition for allowance.

Turning now to the Office Action, the objection to the specification under 35 U.S.C. §132 is acknowledged. This objection should be moot as Applicants have deleted the previous text, which was asserted to introduce new matter, in favor of new terminology suggested by the Examiner. Therefore, withdrawal of this objection is respectfully requested.

Also, Claims 1, 2, 4, 5, and 19-28 stand rejected under the judicially created doctrine of obviousness type double patenting as being unpatentable over Serial No. 08/478,967. Further, Claims 19 and 20 stand provisionally rejected under the judicially created doctrine of obviousness type double patenting as



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being unpatentable over Claim 18 of copending application Serial No. 08/475,813. Both of these double patenting rejections are provisional in nature. Therefore, it is respectfully noted that if this application is otherwise allowable, it is proper for the Examiner to allow this application and then, if necessary, to maintain the double patenting rejection in the remaining pending applications. Moreover, such an action is preferable, as the claims in the other applications may be amended during prosecution in order to obviate the double patenting rejection. Therefore, it is respectfully requested that this rejection be held in abeyance, if this application is otherwise allowable.

Claims 19 and 20 stand rejected under 35 U.S.C. §103 as being unpatentable over Grossbard in view of Anderson et al. Essentially, as in parent application U.S. Serial No. 08/149,099, the Examiner maintained the rejection based on the Anderson abstract because the inventive contribution of John E. Leonard and William Rastetter to the subject invention was not explained in the previous §132 Declaration. Accordingly, the Anderson et al publication is applied because it assertedly constitutes a publication by "another" within the meaning of §102.

However, it is believed that this rejection should be overcome based on the §132 Declaration which is submitted herewith. Therein, it is explained that William Rastetter was involved in the initial conception relating to the usage of the subject chimeric antibody as a pharmaceutical for the treatment

of B cell lymphoma, as well as the initial conception relating to the use of this antibody in combination with a radiolabeled non-chimeric anti-CD20 antibody. Therefore, he is an inventor of the claims of the subject application which are directed to usage of this chimeric antibody in combination with a radiolabeled murine antibody for the treatment of B cell lymphoma.

Similarly, John E. Leonard is an inventor of this application as he was involved in the initial conception as to the combined usage of the subject chimeric anti-CD20 antibody with a radiolabeled non-chimeric (murine) antibody as a therapeutic for the treatment of B cell lymphoma. Therefore, based on this §132 Declaration, which clarifies the inventive contribution of John Leonard and William Rastetter to the subject invention in combination with the previously submitted §132 Declarations, the Anderson et al abstract has been effectively removed as prior art to the subject invention. Essentially, it does not constitute the work by "another" within the meaning of 35 U.S.C. §102(a). Therefore, withdrawal of the §103 rejection of Claims 19 and 20 based on Grossbard in view of Anderson et al is respectfully requested.

Claims 1, 2, 4, 5 and 21-28 further stand rejected under 35 U.S.C. §103 as being unpatentable over Robinson et al (WO 88/04936) taken in view of Anderson et al. This rejection is also maintained because the previously submitted Declaration does not address the contribution of John Leonard and William Rastetter to the subject invention. It is believed that this

basis of the rejection has effectively been obviated as the §132 Declaration submitted herewith substantiates that both William Rastetter and John Leonard are properly named inventors of the subject invention. Therefore, withdrawal of the §103 rejection of Claims 1, 2, 4, 5 and 21-28 based on Robinson et al taken in view of Anderson et al is respectfully requested.

Based on the foregoing, this application is believed to be in condition for allowance. A Notice to that effect is respectfully solicited. **However, if any issues remain outstanding after consideration of this reply, the Examiner is respectfully to contact the undersigned so that prosecution of this application may be expedited.**

Respectfully submitted,

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Date: June 4, 1997